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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

SERGEY BURMIN and KENNETH W.  
LUKE, Individually and on Behalf of All  
Other Persons Similarly Situated,

Plaintiffs,

v.

E\*TRADE SECURITIES LLC and MORGAN  
STANLEY SMITH BARNEY LLC,

Defendants.

Case No. 24-cv-00603 (ES) (MAH)

Hon. Esther Salas, U.S.D.J.

**ORAL ARGUMENT REQUESTED**

Motion Date: May 20, 2024

**NOTICE OF MOTION TO DISMISS  
PLAINTIFFS' COMPLAINT PURSUANT  
TO FED. R. CIV. P. 12(b)(6)**

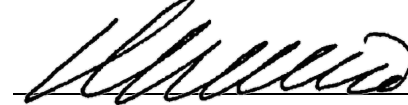
**PLEASE TAKE NOTICE** that on May 20, 2024, or as soon thereafter as counsel may be heard, the undersigned counsel for Defendants E\*TRADE Securities LLC and Morgan Stanley Smith Barney LLC will move before the Honorable Esther Salas, U.S. District Judge for the District of New Jersey, at the MLK Jr. Federal Bldg. & U.S. Courthouse, 50 Walnut St., Newark, NJ 07102, to dismiss with prejudice the Complaint filed by Plaintiffs Sergey Burmin and Kenneth W. Luke, individually and on behalf of all other persons similarly situated, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

**PLEASE TAKE FURTHER NOTICE** that, in support of this motion, Defendants will rely on the supporting Memorandum of Law and the Declaration of Meaghan VerGow with exhibits, which are filed herewith.

**PLEASE TAKE FURTHER NOTICE** that a proposed order granting this motion is attached hereto.

Dated: April 15, 2024

Respectfully submitted,



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